

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance
(916) 322-5662

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322-6441

August 24, 1984

Elizabeth Dahl
Administrative Assistant
Senator Ellis' Office
State Capitol, Room 4053
Sacramento, CA 95814

SUPERSEDED

by: 96-154

Re: Your Request for Advice
Our File No. A-84-212

Dear Ms. Dahl:

This letter is sent in response to your request for advice dated August 20, 1984, and our telephone conversations of August 20 and August 23.

My understanding of the situation is as follows. You are planning a retirement party for an administrative assistant to a state legislator. The party will include hors d'oeuvres and cocktails, and you anticipate at this time that the cost of the event will exceed \$10 for each person attending. While lobbyists will not be participating or assisting in the planning, coordinating or any other arrangements for the party, you want to request from lobbyists a \$50 donation to assist in the funding of the party. Since several legislative officials (including yourself) will be attending the party, you asked what the reporting requirements would be for the legislative officials and whether the lobbyist gift prohibition in Government Code Section 86203 would apply.^{1/}

1. Reporting by Legislative Officials.

All legislative officials are required to file statements of economic interests disclosing their investments, interests in real property, and income. Sections 87200, et seq. Income includes all gifts (Sections 82028 and 82030), and gifts of \$50 or more must be reported (Section 87207(a)(1)). The Commission has previously determined that the value of a gift such as the party you propose here is the value of the benefits the official personally receives by attending the event. Gutierrez Opinion, 3 FPFC Opinions 44 (No. 76-081, June 7, 1977) (copy enclosed).

^{1/} All statutory references are to the Government Code.

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In the Gutierrez Opinion, the Commission also stated that the proper way to establish this value is to divide the actual cost of sponsoring the event by the number of persons who attended. Accordingly, so long as the value of the event to each official as calculated by this formula remains under \$50, the officials will not incur any reporting obligations by attending this event.

2. Lobbyist Gift Prohibition.

As noted above, you intend to solicit lobbyists for a \$50 donation to help pay for the party.

Section 86203 prohibits lobbyists from making gifts directly or indirectly to, among others, a legislative official aggregating more than \$10 in a calendar month, or to arrange for the making of any such gift by any other person. This prohibition means that a lobbyist may not make any payment of more than \$10 which results in a gift aggregating more than \$10 in value to a legislative official nor may a lobbyist assist in the arrangements for a gift of more than \$10 to a legislative official. If your estimate is correct that the value of the party to the attendees will exceed \$10, then lobbyists may not make a payment of more than \$10 towards the party. If a lobbyist is going to attend the party, he or she may pay for the value of what he or she receives (e.g., if the party is going to cost approximately \$15 per person, a lobbyist may pay \$15), and, in addition, the lobbyist may make a donation of \$10 or less.

However, if the value of the party to the attendees remains below \$10 per person, the lobbyists may make donations of any amount for the party. These donations would be reportable by the lobbyists on their lobbyist statements, but they would not be prohibited so long as no legislative official receives benefits in connection with the party aggregating over \$10 in value.

I trust that this letter answers your concerns. Please feel free to contact me if you have further questions.

Sincerely,



Diane Maura Fishburn
Staff Counsel
Legal Division

DMF:plh
Enclosure

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August 20, 1984

Diane Fishburn
F.P.P.C.
P. O. Box 807
Sacramento, CA 95804


Dear Diane:

I am requesting a written opinion from you in reference to a retirement party I am planning to have for an Administrative Assistant.

I will be calling upon lobbyists for a \$50.00 donation to assist in the funding for this party.

Your prompt response will be appreciated.

Thank you.



ELIZABETH DAHL, A.A.
Room 4053
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Sacramento, CA, 95814

PHONE: 445-3952